



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

Raised Bill 710
An Act Concerning Updates to the Family and Medical Leave Act

Labor & Public Employees Committee
February 10, 2009

DAS appreciates the opportunity to offer the following comments to the Labor & Public Employees Committee on Raised Bill 710.

Raised Bill 710 proposes to amend the Connecticut law governing family and medical leave for employees in our private sector (C.G.S. § 31-51ll). Essentially, the bill changes the private-sector leave law to make it consistent with new changes in federal law regarding Military Family Leave.

The federal government recently amended the Family Medical Leave Act ("FMLA") to incorporate Military Family Leave provisions. The Military Family Leave provisions provide eligible employees with 26 workweeks in a 12 month period to care for a spouse, son, daughter, parent or next of kin of a service member who becomes seriously injured or ill in the line of duty of active duty. Raised Bill 710 seeks to extend these provisions to individuals who work for Connecticut businesses in the private sector.

DAS agrees that incorporating the federal Military Family Leave provisions into state law makes sense. We respectfully submit that, if the legislature moves forward with this proposal, that it consider also amending C.G.S. § 5-248a, the family/medical leave statute that affects state employees.

DAS supports amending 5-248a to incorporate the federal Military Family Leave provisions for the following reasons:

- Amending § 5-248a would prevent anomalous results:
 - An employee whose spouse is injured or ill in the line of duty can take **state** family/medical leave of 24 weeks in a 2-year period to care for that spouse. Because state law allows an employee time to care for a spouse, the state leave would run concurrently with the federal law. The employee would then get an additional 2 weeks of **federal** leave time to care for the spouse (26 weeks - 24 weeks).

- Currently, however, that same employee could take 26 weeks of federal leave to care for a cousin injured in the Armed Services. Because state law does not currently recognize this leave, the employee would have an additional 24 weeks of state leave to care for an ill spouse.
- Amending § 5-248a would promote the state's interest in equality and non-discrimination against individuals in same-sex marriages or civil unions
 - Federal law does not recognize members of a civil union or same-sex marriage as a "spouse," therefore individuals in these relationships are not currently able to use FMLA to care for partners injured in the Armed Services.
- Amending § 5-248a would streamline leave management for state agencies
 - To the extent that federal and state laws provide the same leave, they can run concurrently. Applying different rules under state and federal law is complicated and results in errors.

We thank the Committee for considering these recommendations, and would be happy to meet with you at any time to discuss language or other concerns regarding this bill.